

III. Amendments to the Claims

This listing of claims replaces without prejudice all prior versions and listings of claims in the application:

Listing of Claims:

Claims 1-62 (Cancelled)

63. (Currently Amended) A system for providing a discretionary asset allocation program for at least one investor, the discretionary asset allocation program provided by ~~or in concert with~~ (i) at least one conflicted person who receives variable fees or profits for providing services related to the discretionary asset allocation program, or (ii) the at least one conflicted person in concert with at least one person who is substantially independent of the at least one conflicted person, said system comprising:

at least one discretionary asset allocation program for the at least one investor;

data storage means for storing data ~~from at least one source~~ for the at least one investor;

means, operatively connected to the data storage means, for automatically implementing discretionary investment allocation decisions utilizing the discretionary asset allocation program, wherein ~~automatically implementing~~ the discretionary investment allocation decisions are

automatically implemented using ~~accomplished by following~~ a process that ~~systematically~~ reduces or eliminates the at least one conflicted person's ability to self deal, and wherein ~~, the basis upon which~~ the discretionary investment allocation decisions are implemented, ~~utilizing methodologies and parameters that are developed,~~ or maintained by the at least one ~~person who is~~ substantially ~~generally or totally~~ independent ~~of the at least one conflicted person who is involved with the discretionary asset allocation program; and~~

a computer having a program, operatively connected to said means for automatically implementing discretionary investment allocation decisions, to implement the discretionary investment allocation decisions ~~methodologies and parameters~~ implemented, developed, or maintained ~~approved~~ by the at least one substantially ~~generally or totally~~ independent person; and

means, operatively connected to said means for automatically implementing discretionary investment allocation decisions, for eliminating or at least ameliorating possible economic conflict of interest by separating or appropriately combining, the determination of how much to save and how to allocate investment assets from other fee generating functions.

64. (Previously Presented) The system of claim 63, further comprising software created by computer programmers

who have no affiliation with the at least one conflicted person who may receive variable fees or profits under the program by reason of asset allocation.

65. (Previously Presented) The system of claim 63 further comprising, in the event an investor should opt out of the discretionary asset allocation program, means for processing the data from each investor that has opted out of the discretionary asset allocation services such that a tangible recommendation as to asset allocation is generated and sent to each investor that opted out of the discretionary asset allocation services.

66. (Previously Presented) The system of claim 65 further comprising means for correlating retirement needs and life cycle stage with an appropriate asset allocation.

67. (Previously Presented) The system of claim 65 further comprising means for determining a discretionary asset allocation based on a minimum data requirement as determined or approved by the at least one independent person.

68. (Currently Amended) The system of claim 65 wherein the discretionary asset allocation program further comprises means for automatically rebalancing the

discretionary asset allocation based on data received from the at least one investor, at least one a third party, or and a facilitator on a regular basis as ~~solely~~ determined or approved by an independent expert.

69. (Currently Amended) The system of claim 65 wherein the discretionary asset allocation program further comprises ~~comprising~~ means for automatically reallocating discretionary asset allocation based on data received from the at least one investor, a third party, or and a facilitator, on at least one occasion ~~a regular basis~~ as ~~solely~~ determined or approved by an independent expert.

70. (Currently Amended). The system of claim 65 wherein the discretionary asset allocation program further comprises means for automatically allocating, rebalancing, and reallocating investment assets based on data from a plurality ~~variety~~ of sources, as designed or approved by an independent expert.

71. (Cancelled)

72. (Currently Amended) The system of claim 63 wherein the at least one independent person determines or approves the discretionary asset allocation and savings rate and receives fees ~~totally~~ independent from the fees charged

for investment management.

73. (Currently Amended) The system of claim 63 wherein the at least one independent person is substantially ~~generally or totally~~ independent from and unrelated to any other person who receives compensation in connection with transactions related to the savings program ~~, including a decision not to change any decision including discretionary asset allocations or any investment manager.~~

74. (Previously Presented) The system of claim 63 further comprising means for assuring that the investment manager is unaware of the investments of any one investor, but sees only the aggregate investments of an entire plan.

75. (Previously Presented) The system of claim 63, wherein the at least one independent person determines or approves the basis for discretionary asset allocation.

76. (Currently Amended) The system of claim 75, wherein the at least one independent person is substantially ~~generally or totally~~ independent from and unrelated to any other person who (1) receives compensation in connection with discretionary asset allocation or (2) ~~to any person who~~ receives compensation in connection with asset management.

77. (Currently Amended) The system of claim 63, further comprising means for assuring that the asset management is performed by one or more persons ~~investment managers~~ who are unaware of any individual account allocations but instead see only the aggregate of the assets to be managed.

78. (Previously Presented) The system of claim 63, wherein the assets are reallocated on a regular basis.

79. (Currently Amended) The system of claim 63, further comprising asset classes that ~~may~~ include varying proportions of shares or other interests in a plurality of investments.

80. (Previously Presented) The system of claim 79, wherein the plurality of investments include collective investment vehicles.

81. (Currently Amended) The system of claim 63, further comprising means for generating a tangible report recommending or directly establishing a savings program for the at least one ~~each~~ investor.

Claims 82-84 (Cancelled)

85. (Currently Amended) A system for providing discretionary asset allocation services for at least one investor ~~investors~~ participating in an employer-sponsored benefit plan, comprising:

structure for identifying ~~funding~~ investment needs of ~~investors~~ the at least one investor based on investor data, the investor data including at least investor age;

structure for providing discretionary asset allocation services for ~~participating investors~~ the at least one investor based on the investor data, using generally accepted investment principles, said structure for providing discretionary asset allocation services including at least one investment vehicle for the at least one ~~each~~ ~~participating~~ investor;

wherein the structure for providing discretionary asset allocation services for ~~participating investors~~ the at least one investor selects at least one investment vehicle based on a computer program ~~applying a methodology~~ implemented, developed, or maintained by at least one independent person ~~and overseen by a financial expert~~ who is independent of any other party who may earn variable fees or profits based on the allocation of investments in the at least one investment vehicle; and,

wherein the structure for providing discretionary asset allocation services for ~~participating investors~~ the at least one investor provides the discretionary asset

allocation services by: i) at least one conflicted person who receives variable fees or profits for providing services related to the discretionary asset allocation program, or (ii) the at least one conflicted person in concert with at least one person who is substantially independent of the at least one conflicted person in concert with a person whose fees or profits vary depending on the choice of at least one investment vehicle; and

structure for reducing possible economic conflict of interest by separating or appropriately combining, the determination of how much to save and how to allocate investment assets from other fee generating functions.

86. (Currently Amended) The system of claim 85, wherein the structure for providing discretionary asset allocation services for the at least one investor ~~participating investors~~ ameliorates conflicts of interest between (i) establishing discretionary asset allocation functions and (ii) money management functions ~~function~~.

87. (Currently Amended) The method of claim 85, wherein the structure for providing discretionary asset allocation services for the at least one investor ~~participating investors~~ provides one or more investment vehicles ~~vehicle~~ including at least one professionally managed commingled investment vehicle.